

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

<b>In the Matter of the Accusation Against:</b>	)	
	)	
	)	
<b>STEPHEN MARK KADET, M.D.</b>	)	<b>Case No. 10-2008-191365</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. C-53151</b>	)	
	)	
<b>Respondent.</b>	)	
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**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on June 24, 2011.**

**IT IS SO ORDERED May 27, 2011.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Shelton Duruisseau, Ph.D., Chair**  
**Panel A**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 BETH FABER JACOBS  
Deputy Attorney General  
4 State Bar No. 89145  
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5 San Diego, CA 92101  
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6 San Diego, CA 92186-5266  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **STEPHEN MARK KADET, M.D.**  
14 **12174 NW 73rd Street**  
**Parkland, Florida 33076**

15 **Physician's and Surgeon's Certificate No.**  
16 **C 53151**

17 Respondent.

Case No.: 10-2008-191365

OAH No.: 2010050684

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Linda K. Whitney (hereinafter "Complainant") is the Executive Director of the  
23 Medical Board of California and is represented herein by Edmund G. Brown Jr., Attorney  
24 General of the State of California, by Beth Faber Jacobs, Deputy Attorney General.

25 2. Respondent Stephen Mark Kadet, M.D. (hereinafter "respondent") is represented  
26 herein by Erin Muellenberg, Esq., of Reback, McAndrews, Kjar, Warford & Stockalper, LLP,  
27 215 North "D" Street, Suite 303, San Bernardino, CA 92401.

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**JURISDICTION**

3. On February 6, 2008, the Medical Board of California (hereinafter "Board") issued Physician's and Surgeon's Certificate No. C 53151 to respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges and allegations contained in Accusation No. 10-2008-191365, expired on March 31, 2009, and has not been renewed.

4. On or about September 24, 2009, Barbara Johnston, in her then official capacity as Executive Director of the Board, filed Accusation No. 10-2008-191365 against respondent. A true and correct copy of Accusation No. 10-2008-191365 is attached hereto as Attachment "A" and incorporated by reference as if fully set forth herein.

5. On or about September 24, 2009, respondent was served with a true and correct copy of Accusation No. 10-2008-191365, together with true and correct copies of all other statutorily required documents, at his address of record then on file with the Board. On or about October 2, 2009, respondent filed a Notice of Defense.

**ADVISEMENT AND WAIVERS**

6. Respondent has carefully read and fully understands the charges and allegations contained in Accusation No. 10-2008-191365, and has fully reviewed and discussed them with his attorney of record, Erin Muellenberg, Esq.

7. Respondent has carefully read and fully understands the contents, force, and effect of this Stipulated Settlement and Disciplinary Order, and has fully reviewed and discussed same with his attorney of record, Erin Muellenberg, Esq.

8. Respondent is fully aware of his legal rights in this matter including his right to a hearing on the charges and allegations contained in Accusation No. 10-2008-191365, his right to present witnesses and evidence and to testify on his own behalf, his right to confront and cross-examine all witnesses testifying against him, his right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, his right to reconsideration and court review of an adverse decision, and all other rights accorded him pursuant to the California Administrative Procedure Act, the California Code of Civil Procedure, and all other applicable

1 laws, having been fully advised of same by his attorney of record, Erin Muellenberg, Esq.  
2 Respondent, having the benefit of counsel, hereby knowingly, intelligently, and voluntarily  
3 waives and gives up each and every right set forth above.

#### 4 CULPABILITY

5 9. Respondent does not contest that, at an administrative hearing, Complainant could  
6 establish a *prima facie* case with respect to the charges and allegations contained in Accusation  
7 No. 10-2008-191365, a true and correct copy of which is attached hereto as Attachment "A," and  
8 that he has thereby subjected his Physician's and Surgeon's Certificate No. C 53151 to  
9 disciplinary action.

10 10. Respondent agrees that if he ever petitions for early termination or modification of  
11 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
12 Medical Board of California, all charges and allegations contained in Accusation No. 10-2008-  
13 191365 , with the exception of the Fourth Cause of Disciplinary Action in Accusation No. 10-  
14 2008-191365 , shall be deemed true, correct and fully admitted by respondent for purposes of any  
15 such proceeding or any other licensing proceeding involving respondent in the State of California.

16 11. Respondent further agrees to be bound by the Board's imposition of discipline as set  
17 forth in the Disciplinary Order below.

#### 18 CONTINGENCY

19 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
20 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
21 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
22 Settlement and Disciplinary Order after receiving it.

23 13. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null  
24 and void and not binding upon the parties unless approved and adopted by the Board, except for  
25 this paragraph, which shall remain in full force and effect. Respondent fully understands and  
26 agrees that in deciding whether to approve and adopt this Stipulated Settlement and Disciplinary  
27 Order, the Board may receive oral and written communications from its staff and/or the Attorney  
28 General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any

1 member thereof, and/or any other person from future participation in this or any other matter  
2 affecting or involving respondent. In the event that the Board, in its discretion, does not approve  
3 and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph,  
4 it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied  
5 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees  
6 that should the Board reject this Stipulated Settlement and Disciplinary Order for any reason,  
7 respondent will assert no claim that the Board, or any member thereof, was prejudiced by such  
8 review, discussion or consideration of this Stipulated Settlement and Disciplinary Order or of any  
9 matter or matters related hereto.

#### 10 **ADDITIONAL PROVISIONS**

11 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to  
12 be an integrated writing representing the complete, final and exclusive embodiment of the  
13 agreements of the parties in the above-entitled matter.

14 15. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary  
15 Order, including facsimile signatures of the parties, may be used in lieu of original documents and  
16 signatures and, further, that facsimile copies and signatures shall have the same force and effect  
17 as originals.

18 16. In consideration of the foregoing admissions and stipulations, the parties agree the  
19 Board may, without further notice to or opportunity to be heard by respondent, issue and enter the  
20 following Disciplinary Order:

#### 21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 53151 issued  
23 to Respondent Stephen Mark Kadet, M.D. (Respondent) is revoked. However, the revocation is  
24 stayed and Respondent is placed on probation for thirty five (35) months on the following terms  
25 and conditions.

26 1. **ETHICS COURSE** Within sixty days of the effective date of this Decision,  
27 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by

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1 the Board or its designee. Failure to successfully complete the course during the second year of  
2 probation is a violation of probation.

3 An ethics course taken after the acts that gave rise to the charges in the Accusation, but  
4 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,  
5 be accepted towards the fulfillment of this condition if the course would have been approved by  
6 the Board or its designee had the course been taken after the effective date of this Decision.

7 Respondent shall submit a certification of successful completion to the Board or its  
8 designee not later than 15 calendar days after successfully completing the course, or not later than  
9 15 calendar days after the effective date of the Decision, whichever is later.

10 2. NOTIFICATION Prior to engaging in the practice of medicine, the  
11 Respondent shall provide a true copy of the Decisions and Accusation to the Chief of Staff or the  
12 Chief Executive Officer at every hospital where privileges or membership are extended to  
13 Respondent, at any other facility where Respondent engages in the practice of medicine,  
14 including all physician and locum tenens registries or other similar agencies, and to the Chief  
15 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
16 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
17 calendar days.

18 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

19 3. SUPERVISION OF PHYSICIAN ASSISTANTS During probation,  
20 Respondent is prohibited from supervising physician assistants.

21 4. OBEY ALL LAWS Respondent shall obey all federal, state and local laws,  
22 all rules governing the practice of medicine in California, and remain in full compliance with any  
23 court ordered criminal probation, payments and other orders.

24 5. QUARTERLY DECLARATIONS Respondent shall submit quarterly  
25 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
26 been compliance with all the conditions of probation. Respondent shall submit quarterly  
27 declarations not later than 10 calendar days after the end of the preceding quarter.

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1                   6.   PROBATION UNIT COMPLIANCE Respondent shall comply with the  
2 Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's  
3 business and residence addresses. Changes of such addresses shall be immediately  
4 communicated in writing to the Board or its designee. Under no circumstances shall a post office  
5 box serve as an address of record, except as allowed by Business and Professions Code section  
6 2021(b).

7           Respondent shall not engage in the practice of medicine in Respondent's place of residence.  
8 Respondent shall maintain a current and renewed California Physician's and Surgeon's license.  
9 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas  
10 outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar  
11 days.

12                   7.   INTERVIEW WITH THE BOARD, OR ITS DESIGNEE Respondent shall  
13 be available in person for interviews either at Respondent's place of business or at the probation  
14 unit office, with the Board or its designee, upon request at various intervals, and either with or  
15 without prior notice throughout the term of probation.

16                   8.   RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent  
17 should leave the State of California to reside or to practice, Respondent shall notify the Board or  
18 its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
19 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in  
20 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

21           All time spent in an intensive training program outside the State of California which has  
22 been approved by the Board or its designee shall be considered as time spent in the practice of  
23 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
24 period of non-practice. Periods of temporary or permanent residence or practice outside  
25 California will not apply to the reduction of the probationary term. Periods of temporary or  
26 permanent residence or practice outside California will relieve Respondent of the responsibility to  
27 comply with the probationary terms and conditions with the exception of this condition and the  
28 following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

1 Respondent's license shall be automatically cancelled if Respondent's periods of temporary  
2 or permanent residence or practice outside California total two years. However, Respondent's  
3 license shall not be cancelled as long as Respondent is residing and practicing medicine in  
4 another state of the United States and is on active probation with the medical licensing authority  
5 of that state, in which case the two year period shall begin on the date probation is completed or  
6 terminated in that state.

7 9. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

8 In the event Respondent resides in the State of California and for any reason Respondent stops  
9 practicing medicine in California, Respondent shall notify the Board or its designee in writing  
10 within 30 calendar days prior to the dates of non-practice and return to practice. Any period of  
11 non-practice within California, as defined in this condition, will not apply to the reduction of the  
12 probationary term and does not relieve Respondent of the responsibility to comply with the terms  
13 and conditions of probation. Non-practice is defined as any period of time exceeding 30 calendar  
14 days in which Respondent is not engaging in any activities defined in sections 2051 and 2052 of  
15 the Business and Professions Code.

16 All time spent in an intensive training program which has been approved by the Board or its  
17 designee shall be considered time spent in the practice of medicine. For purposes of this  
18 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
19 condition of probation, shall not be considered a period of non-practice.

20 Respondent's license shall be automatically cancelled if Respondent resides in California  
21 and for a total of two years, fails to engage in California in any of the activities described in  
22 Business and Professions Code sections 2051 and 2052.

23 10. COMPLETION OF PROBATION Respondent shall comply with all  
24 financial obligations (e.g., probation costs) not later than 120 calendar days prior to the  
25 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
26 be fully restored.

27 11. VIOLATION OF PROBATION Failure to fully comply with any term or  
28 condition of probation is a violation of probation. If Respondent violates probation in any

1 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke  
2 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to  
3 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,  
4 the Board shall have continuing jurisdiction until the matter is final, and the period of probation  
5 shall be extended until the matter is final.

6 12. LICENSE SURRENDER Following the effective date of this Decision, if  
7 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
8 the terms and conditions of probation, Respondent may request the voluntary surrender of  
9 Respondent's license. The Board reserves the right to evaluate Respondent's request and to  
10 exercise its discretion whether or not to grant the request, or to take any other action deemed  
11 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
12 Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the  
13 Board or its designee and Respondent shall no longer practice medicine. Respondent will no  
14 longer be subject to the terms and conditions of probation and the surrender of Respondent's  
15 license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the  
16 application shall be treated as a petition for reinstatement of a revoked certificate.

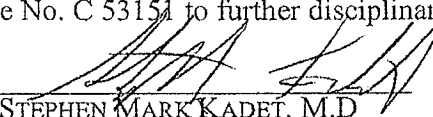
17 13. PROBATION MONITORING COSTS Respondent shall pay the costs  
18 associated with probation monitoring each and every year of probation, as designated by the  
19 Board, and which may be adjusted on an annual basis. Such costs shall be payable to the Medical  
20 Board of California and delivered to the Board or its designee no later than January 31 of each  
21 calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of  
22 probation.

### 23 ACCEPTANCE

24 I, Stephen Mark Kadet, M.D., have carefully read this Stipulated Settlement and  
25 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily,  
26 intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's  
27 Certificate No. C 53151. I fully understand that, after signing this stipulation, I may not withdraw  
28 from it, that it shall be submitted to the Medical Board of California for its consideration, and that

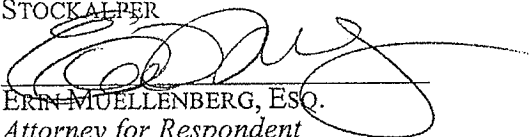
1 the Board shall have a reasonable period of time to consider and act on this stipulation after  
2 receiving it. By entering into this stipulation, I fully understand that, upon formal acceptance by  
3 the Board, I shall be required to comply with all of the terms and conditions of the Disciplinary  
4 Order set forth above. I also fully understand that any failure to comply with the terms and  
5 conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and  
6 will subject my Physician's and Surgeon's Certificate No. C 53151 to further disciplinary action.

7 Dated: 12-21-10

  
STEPHEN MARK KADET, M.D.  
Respondent

9 I have read and fully discussed with respondent Stephen Mark Kadet, M.D., the terms  
10 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
11 Order. I approve its form and content.

12  
13 Dated: 12/9/10

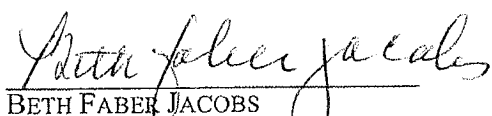
REBACK, MCANDREWS, KJAR, WARFORD &  
STOCK ALPER  
  
ERIN MUELLENBERG, ESQ.  
Attorney for Respondent

#### 17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Medical Board of California of the Department of Consumer  
20 Affairs.

21 Dated: Jan. 12, 2011

EDMUND G. BROWN JR.  
Attorney General of California  
THOMAS S. LAZAR  
Supervising Deputy Attorney General

  
BETH FABER JACOBS  
Deputy Attorney General  
Attorneys for Complainant

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**ATTACHMENT "A"**  
**ACCUSATION NO. 10-2008-191365**

EDMUND G. BROWN JR.  
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*Attorneys for Complainant*

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 10-2008-191365

**STEPHEN MARK KADET, M.D.**  
12174 NW 73rd Street  
Parkland, Florida 33076  
Physician's and Surgeon's Certificate  
No. C53151

**A C C U S A T I O N**

Respondent.

Complainant alleges:

**PARTIES**

1. Barbara Johnston (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about February 6, 2008, the Medical Board of California issued Physician's and Surgeon's Certificate Number C53151 to Stephen Mark Kadet, M.D. (Respondent). The Certificate was in full force and effect at all times relevant to the charges brought herein, expired on March 31, 2009, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2220 of the Code states:

“Except as otherwise provided by law, the Division of Medical Quality<sup>1</sup> may take action against all persons guilty of violating this chapter [Chapter 5, the Medical Practice Act]. The division shall enforce and administer this article as to physician and surgeon certificate holders, and the division shall have all the powers granted in this chapter . . . .”

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or have such other action taken in relation to discipline as the Division deems proper.

6. Section 2234 of the Code states:

“The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

“ . . . .

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<sup>1</sup> California Business and Professions Code section 2002, as amended effective January 1, 2008, provides in part that the term “board” as used in the State Medical Practice Act (Business and Professions Code, section 2000, et seq.) means the “Medical Board of California,” and that references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision of law shall be deemed to refer to the Board.

1 “(e) The commission of any act involving dishonesty or corruption which is substantially  
2 related to the qualifications, functions, or duties of a physician and surgeon.

3 “(f) Any action or conduct which would have warranted the denial of a certificate.”

4 7. Unprofessional conduct under California Business and Professions Code section 2234  
5 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is  
6 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
7 unfitness to practice medicine.<sup>2</sup>

8 8. Section 2052 of the Code states:

9 “(a) Notwithstanding Section 146, any person who practices or attempts to  
10 practice, or who advertises or holds himself or herself out as practicing, any system or  
11 mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates  
12 for, or prescribes for any ailment, blemish, deformity, disease, disfigurement,  
13 disorder, injury, or other physical or mental condition of any person, without having  
14 at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in  
15 this chapter [Chapter 5, the Medical Practice Act], or without being authorized to  
16 perform the act pursuant to a certificate obtained in accordance with some other  
17 provision of law, is guilty of a public offense, punishable by a fine not exceeding ten  
18 thousand dollars (\$10,000), by imprisonment in the state prison, by imprisonment in a  
19 county jail not exceeding one year, or by both the fine and either imprisonment.

20 “(b) Any person who conspires with or aids or abets another to commit any act  
21 described in subdivision (a) is guilty of a public offense, subject to the punishment  
22 described in that subdivision.

23 “(c) The remedy provided in this section shall not preclude any other remedy  
24 provided by law.”

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28 <sup>2</sup> *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

1           9. Section 2264 of the Code states:

2           “The employing, directly or indirectly, the aiding, or the abetting of any  
3           unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in  
4           the practice of medicine or any other mode of treating the sick or afflicted which  
5           requires a license to practice constitutes unprofessional conduct.”

6           10. Section 2289 of the Code states: “The impersonation of another licensed practitioner  
7           or permitting or allowing another person to use his or her certificate to engage in the practice of  
8           medicine or podiatric medicine constitutes unprofessional conduct.”

9           11. Section 2286 prohibits aiding and abetting the unlicensed corporate practice of  
10          medicine. It states:

11          “It shall constitute unprofessional conduct for any licensee to violate, to attempt  
12          to violate, directly or indirectly, to assist in or abet the violation of, or to conspire to  
13          violate any provision or term of Article 18 (commencing with Section 2400), of the  
14          Moscone-Knox Professional Corporation Act (Part 4 commencing with Section  
15          13400) of Division 3 of Title 1 of the Corporations Code), or of any rules and  
16          regulations duly adopted under those laws.”

17          12. Section 118, subdivision (b), of the Code provides that:

18          “The suspension, expiration, or forfeiture by operation of law of a license issued  
19          by a board in the department, or its suspension, forfeiture, or cancellation by order of  
20          the board or by order of a court of law, or its surrender without the written consent of  
21          the board, shall not, during any period in which it may be renewed, restored, reissued,  
22          or reinstated, deprive the board of its authority to institute or continue a disciplinary  
23          proceeding against the licensee upon any ground provided by law or to enter an order  
24          suspending or revoking the license or otherwise taking disciplinary action against the  
25          licensee on any such ground.”

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**FIRST CAUSE FOR DISCIPLINE**

**(Aiding and Abetting the Unlicensed Practice of Medicine)**

13. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2264 of the Code, in that respondent aided and abetted the unlicensed practice of medicine. The circumstances are as follows:

A. In 2007, Aurora Pandolfo and George Anastassiou owned and operated several medical spas in New York and Florida called "Body Solutions," which they advertised as "America's Premier Non-Surgical Cosmetic Centers." Neither Pandolfo or Anastassiou was licensed as a physician or surgeon in any state. They identified themselves as "endermologists." Body Solutions offered numerous cosmetic procedures and treatments, including laser hair removal, laser tattoo removal, "thermage" (which they claimed used radio frequency to tighten sagging skin), botox, and other cosmetic procedures and therapies.

B. Pandolfo and Anastassiou decided to expand their operations and open a Body Solutions Center in California, at 1200 Garden View Road, Encinitas, CA 92024. In October, 2007, they began to interview prospective staff, including nurses, for the Encinitas location. During the interview process, prospective employees were advised that respondent, who was then licensed as a physician in New York and Florida, would become the Medical Director at the Encinitas location.

C. On or about November 20, 2007, respondent filed Articles of Incorporation for Body Solutions, Inc., a California Professional Corporation, with the Office of the California Secretary of State. Respondent was listed as Chairman and Secretary of the Corporation.

D. On or about November 21, 2007, the City of Encinitas issued respondent, as business owner of Body Solutions of San Diego, LLC, at 1200 Garden View Rd., #100, Encinitas CA 92024, a business registration. The registration, effective November 21, 2007 through October 31, 2008, described the business as a "Cosmetic Enhancement Center."

1 E. Starting in early November, 2007, and with respondent's knowledge and  
2 consent, Aurora Pandolfo and George Anastassiou hired staff for the Encinitas Body  
3 Solutions Center, who in turn hired nurses and additional staff to perform cosmetic  
4 therapies and procedures at the location. Aurora Pandolfo and George Anastassiou  
5 developed the criteria for selecting patients, for determining what kinds of procedures  
6 should be used on patients, and for the charges to be assessed. They provided  
7 training on how to perform certain treatment modalities. The anticipated procedures  
8 included laser procedures that must be performed by a licensed physician or under the  
9 direct supervision of a licensed physician. At all relevant times, respondent was in  
10 Florida or New York.

11 F. In November, 2007, the Body Solutions Center in Encinitas opened and  
12 was operated out of New York by Aurora Pandolfo and George Anastassiou. They  
13 advertised the Encinitas location throughout San Diego County. The print  
14 advertisements indicated that Body Solutions was also in Florida and New York, and  
15 that "Body Solutions USA, LLC is under the supervision of Dr. Steven Kadet, M.D."  
16 Respondent knew of and approved the use of his name and representation in the  
17 advertisements that he was supervising procedures and treatment offered by Body  
18 Solutions.

19 G. With respondent's knowledge that there was no physician on site and his  
20 consent, nurses performed medical procedures on patients, including laser hair  
21 removal, laser tattoo removal, laser acne treatments, and Thermage (radio-frequency  
22 emissions that are used to tighten sagging skin).

23 H. Upon determining that Body Solutions of San Diego was engaging in the  
24 illegal corporate practice of medicine and practicing medicine without a license, on or  
25 about November 2, 2007, the Medical Board sent Aurora Pandolfo and George  
26 Anastassiou, at the Body Solutions address in Encinitas, a Cease and Desist letter,  
27 demanding that they cease and desist violating the Medical Practice Act by engaging  
28 in these activities.

1           I.     Nursing staff at Body Solutions in Encinitas became concerned that there  
2     was no physician present at the location. When one of the nurses, S.C., repeatedly  
3     inquired about when a Medical Director would be coming, respondent spoke with her  
4     on the telephone from Florida. Respondent encouraged her and other staff to  
5     continue performing the laser procedures, indicated a medical director would be hired  
6     soon, and added that he (respondent) would soon be getting his medical license in  
7     California and that he would come to the facility to supervise.

8           J.     Respondent became licensed as a physician and surgeon in California on  
9     February 6, 2008. The same day, the Medical Board issued Body Solutions, Inc., at  
10    1200 Garden View Road, Encinitas, California, a Fictitious Name Permit, pursuant to  
11    Business and Professions Code section 2415.

12          K.     On or about February 20, 2008, respondent entered into a Facilities and  
13    Management Services Agreement to provide or supervise the providing of medical  
14    treatment and services, including laser hair removal, laser skin enhancement  
15    procedures, and other medical services for Body Solutions at 1200 Garden View,  
16    Encinitas, California.

17          L.     Despite the foregoing, respondent remained out of state and never came  
18    to the Encinitas location of Body Solutions to supervise or perform treatments.

19          M.     Body Solutions operated at the Encinitas location from approximately  
20    November 1, 2007 through August, 2008. At all relevant times, unlicensed staff at  
21    the facility offered and performed medical procedures, such as laser hair removal,  
22    laser tattoo removal, laser treatment for acne, and Thermage, and other procedures for  
23    which a medical license is required. From the onset, respondent knew that no other  
24    licensed physician was at the premises, no physician supervised treatments, and no  
25    physician performed the medical treatments provided at Body Solutions. He knew  
26    that nurses and unlicensed individuals were performing procedures that could only  
27    legally be performed by a licensed physician or a nurse under the supervision of a  
28    licensed physician. Respondent also knew his name was on the advertisements for

1 Body Solutions as the Medical Director Respondent knew this was occurring.  
2 consented to it, and by his conduct, enabled it to occur.

3 N. Body Solutions closed its Encinitas location on or about August 8, 2008.  
4 At the time of closure, some staff members were owed back pay. In addition, the  
5 company was evicted for failure to pay rent.

6 O. On or about December 23, 2008, the Medical Board issued a Cite and  
7 Fine against Aurora Pandolfo and George Anastassiou, based on their ownership and  
8 operation of Body Solutions in Encinitas, California. The Board found that they  
9 engaged in the unlicensed corporate practice of medicine in California by owning and  
10 operating a medical spa in Encinitas, California, which provided cosmetic services in  
11 violation of Business and Professions Code section 2052.

## 12 **SECOND CAUSE FOR DISCIPLINE**

### 13 **(Aiding and Abetting the Unlicensed Corporate Practice of Medicine)**

14 14. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
15 defined by section 2286 of the Code, in that respondent aided and abetted the unlicensed  
16 corporate practice of medicine. The circumstances are as follows: Paragraph 13, above, is  
17 hereby incorporated by reference and realleged as if fully set forth herein.

## 18 **THIRD CAUSE FOR DISCIPLINE**

### 19 **(Allowing Another Person to Use Certificate to Engage in Practice of Medicine)**

20 15. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
21 defined by section 2289 of the Code, in that respondent allowed others to use his certificate to  
22 engage in the practice of medicine. The circumstances are as follows: Paragraph 13, above, is  
23 hereby incorporated by reference and realleged as if fully set forth herein.

## 24 **FOURTH CAUSE FOR DISCIPLINE**

### 25 **(Dishonesty or Corruption)**

26 16. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
27 defined by section 2234, subdivision (e), of the Code, in that he has committed an act or acts  
28 involving dishonesty or corruption which is or are substantially related to the qualifications,

functions, or duties of a physician and surgeon as more particularly described hereinafter:  
Paragraph 13, above, is hereby incorporated by reference and realleged as if fully set forth herein.

### FIFTH CAUSE FOR DISCIPLINE

#### (General Unprofessional Conduct)


17. Respondent is further subject to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly described hereinafter: Paragraph 13, above, is hereby incorporated by reference and realleged as if fully set forth herein.

### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C53151, issued to Stephen Mark Kadet, M.D.;
2. Revoking, suspending or denying approval of Stephen Mark Kadet, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Stephen Mark Kadet, M.D. if placed on probation, to pay the Medical Board of California the costs of probation monitoring;
4. Taking such other and further action as deemed necessary and proper.

DATED: September 24, 2009

  
BARBARA JOHNSTON  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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